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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,737	11/29/2000	Peter Joseph Giacomini	Broadspider 2	9624

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EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,737

Applicant(s)

GIACOMINI ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. Claims 1-32 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Craig et al [Craig 6,513,112 B1]
3. As per claim 1, Craig discloses a method comprising:

populating a cache with a resource only when at least i requests for said resource have been received [Craig, populating the cache with information, col 12 lines 21-55];

wherein at least occasionally i is an integer greater than one [Craig, clients and servers, col 3 lines 50-59; read requests, servicing read calls, col 16 lines 42-63]
4. As per claims 2,9,16,25 Craig discloses the value of i is invariant (i.e.: configuration) [Craig, configuration time col 4 lines 33-44].

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5. As per claims 3,10,17,26 Craig discloses the value of i is based on calendrical time [Craig, runtime and configuration time, col 4 lines 33-44].

6. As per claims 4,11,18,27 Craig discloses said cache is populated with said resource only when at least i requests for said resource have been received within an elapsed time interval [Craig runtime catalog, col 9 lines 32-44],

7. As per claims 5,12,19,28 Craig discloses the duration of said elapsed time interval, At , is based on the value of l [Craig, configuration time col 4 lines 33-44].

8. As per claims 6,13,20,29 Craig discloses the value of i is based on calendrical time [Craig, runtime and configuration time, col 4 lines 33-44].

9. As per claims 7,14,21,30 Craig discloses the duration of said elapsed time interval, At , is based on calendrical time [Craig, runtime and configuration time, col 4 lines 33-44].

10. Claims 8,15,24 contain the similar limitations set forth of apparatus claim 1. Therefore, claims 8,15,24 are rejected for the similar rationale set forth in claim 1.

11. As per claims 22,31 Craig discloses said computer network is a hierarchical computer network and said first node has m filial (i.e.: all) nodes ; wherein said cache is

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populated with said resource only when at least one request for said resource has been received from at least n of said m filial nodes; and wherein m is an integer greater than one, n is an integer greater than one, and $m \geq n$. It was clearly the servers handle the plurality request from clients via network.

12. As per claim 23,32 Craig discloses said computer network is a hierarchical computer network and said first node has m filial nodes; wherein said cache is populated with said resource only when at least one request for said resource has been received from at least n of said m filial nodes within an elapsed time interval, A_t ; and wherein m is an integer greater than one, n is an integer greater than one, and $m \geq n$. It was clearly the servers handle the plurality request from clients via network, wherein the elapsed time interval or runtime as a design choice.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
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